

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

Criminal No.  
04-10160-WGY

\* \* \* \* \*  
UNITED STATES OF AMERICA  
v.  
CESAR MIRANDA  
\* \* \* \* \*

SENTENCING EXCERPT

BEFORE: The Honorable William G. Young,  
District Judge

1 Courthouse Way  
Boston, Massachusetts

September 12, 2005

1           **THE COURT:** Mr. Cesar Miranda, in consideration of  
2 those matters which the Court must consider under Section  
3 3553, the information from the United States Attorney, your  
4 attorney, the probation officer and yourself, this Court  
5 sentences you to three years in the custody of the United  
6 States Attorney General.

7           The Court imposes upon you no fine due to your  
8 inability to pay a fine.

9           The Court imposes upon you four years of supervised  
10 release. During the period of supervised release you are to  
11 remain free of alcohol and drugs and to submit to drug  
12 treatment which may not exceed 104 tests per year at the  
13 direction of the United States Probation Office. You're  
14 required to contribute to the costs of such treatment.

15           You're to submit a DNA sample. The Court imposes  
16 upon you a \$100 special assessment. You're not to use any  
17 aliases or other false identifiers.

18           Let me explain this sentence to you. The Court  
19 imposes the minimum, actually less a month given the  
20 advisory nature of the guidelines, a three year sentence as  
21 an adequate deterrent under the circumstances and  
22 appropriate punishment for the crime.

23           You are not a minor player here, Mr. Miranda. You  
24 tried to in fact become more of a player in cocaine  
25 distribution. If anything you are fortunate that your

1 conduct was brought to an end. This is an appropriate and a  
2 just sentence.

3 You will have credit toward the service of this  
4 sentence from March 31, 2004.

5 Further, it is an additional special requirement of  
6 your supervised release that if deported you are to leave  
7 the United States, not to return without the prior  
8 permission of the United States, the Secretary of Homeland  
9 Security.

10 That's the sentence of the Court. You're advised  
11 that you have the right to appeal from any findings or  
12 rulings the Court has made against you. Should you appeal  
13 and should the sentence be reversed in whole or in part  
14 you'll be resentenced before another judge.

15 Now, Ms. Glaser, do you want to be heard?

16 **MS. GLASER:** Your Honor, just two factors. One is,  
17 which I always request of you, which is that the mandatory  
18 special assessment be permitted to be paid during the  
19 duration of his sentence. That permits him --

20 **THE COURT:** It is so ordered.

21 **MS. GLASER:** Thank you.

22 And the other request is that, he has family in New  
23 York, he has a brother in New York. He would like to be  
24 close to them. I don't think it would be readily apparent  
25 to the Bureau of Prisons that that's the location, though

1 they have a family preference, they would look at where he  
2 lived last. So that it should be noted that he has family  
3 in New York and that a placement would be advised.

4 He has indicated to me that his information is that  
5 there is an accounting program at Allenwood which is, his  
6 goal is to accomplish that one class. So, if that class is  
7 a possibility that would be his preference. And he also  
8 indicated that he feels he would benefit from the drug  
9 program if your Honor recommended it.

10 **THE COURT:** Where is Allenwood?

11 **MS. GLASER:** Allenwood, Pennsylvania.

12 **THE COURT:** That's what I thought.

13 **MS. GLASER:** Yes.

14 **THE COURT:** So, I just want to be clear on the  
15 recommendation. Do you want a recommendation to Allenwood  
16 because Pennsylvania adjoins New York?

17 **MS. GLASER:** Well, I, I have to say I'm not too  
18 clear on where Allenwood is in relation, but I think it's  
19 about four hours from New York City. So that it is doable  
20 for his brother.

21 **THE COURT:** All right.

22 **MS. GLASER:** So that it would combine both  
23 purposes.

24 **THE COURT:** The Court does recommend to the Bureau  
25 of Prisons that the sentence be served at the Federal

1 Correctional Facility in Allenwood, Pennsylvania; that if he  
2 qualifies, Mr. Miranda be admitted to the accounting program  
3 there; and that he be admitted to the drug treatment program  
4 in that facility.

5 That's the recommendation of the Court. He's  
6 remanded to the custody of the marshals.

7 **MS. GLASER:** Thank you, your Honor.

8 (Whereupon the matter concluded.)  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25